

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DAS  
#7

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 85761-000510US
--	--

First named inventor: Kazutoshi Okuno

Application No.: 09/560,780

Art Unit: 1649

Filed: April 28, 2000

Examiner: Not Yet Assigned

Title: METHOD FOR IDENTIFYING FIELD RESISTANCE OF RICE TO RICE BLAST

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

RECEIVED

MAR 29 2002

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee** Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ 1,280 (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):

- has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

03/29/2002 AU/NDAF1 00000026 201430 09560780

B. The issue fee of \$ \_\_\_\_\_.

- has been paid previously on 01-FC-141 1200.00 CH..  
 is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

March 19, 2002

Date

Signature

Telephone

Number: (415) 576-0200

Peter K. Seperack

Typed or printed name

Townsend and Townsend and Crew LLP  
Address

Enclosures:  Fee Payment

Two Embarcadero Center, 8th Floor

Reply

San Francisco, CA 94111

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Copy of executed Declaration

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

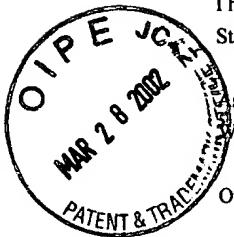
March 19, 2002

Date

Signature

Kathryn A. Degliantoni

Type or printed name of person signing certificate



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

On March 19, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Kathryn G. Duglant

**PATENT**  
Attorney Docket No.: 085761-000510US  
Client Ref. No.: AR009US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kazutoshi Okuno, et al.

Application No.: 09/560,780

Filed: April 28, 2000

For: METHOD FOR IDENTIFYING  
FIELD RESISTANCE OF RICE TO  
RICE BLAST

Art Unit: 1649

**PETITION TO REVIVE  
UNINTENTIONALLY ABANDONED  
APPLICATION**

**RECEIVED**

MAR 2 9 2002

OFFICE OF PETITIONS

Office of Petitions  
Assistant Commissioner for Patents  
BOX DAC  
Washington, D.C. 20231

Sir:

Applicant petitions to revive the above-identified application under 37 CFR §1.137(b). The application was unintentionally abandoned for failure to submit an executed inventor Declaration in response to a Notice to File Missing Parts by the final due date.

Enclosed is an executed inventor Declaration for filing in the above-identified application.

Kazutoshi Okuno, et al.  
Application No.: 09/560,780  
Page 2

PATENT

A Fee Transmittal is attached authorizing payment of the petition fee, pursuant to 37 CFR §1.17(m), in the amount of \$1,280.00 from the Deposit Account No. 20-1430 of the undersigned. Please charge any additional fees or credit overpayment to the above Deposit Account. This petition is submitted in duplicate.

Respectfully submitted,



Peter Seperack  
Reg. No. P-47,932

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
PKS:kad  
SF 1328225 v1